

# HOUSE BILL No. 1098

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-26-13.

**Synopsis:** Expired drug returns. Requires the board of pharmacy to establish procedures under which pharmacies may return expired prescription drugs to drug wholesalers and manufacturers. Prohibits a pharmacist from dispensing a prescription drug unless the wholesaler or manufacturer of the drug has a procedure for the return of expired prescription drugs that complies with procedures established by the board of pharmacy.

**Effective:** July 1, 2005.

---

---

**Messer**

---

---

January 6, 2005, read first time and referred to Committee on Public Health.

---

---

C  
o  
p  
y



Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1098

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 25-26-13-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board may:  
3 (1) promulgate rules and regulations under IC 4-22-2 for  
4 implementing and enforcing this chapter;  
5 (2) establish requirements and tests to determine the moral,  
6 physical, intellectual, educational, scientific, technical, and  
7 professional qualifications for applicants for pharmacists'  
8 licenses;  
9 (3) refuse to issue, deny, suspend, or revoke a license or permit or  
10 place on probation or fine any licensee or permittee under this  
11 chapter;  
12 (4) regulate the sale of drugs and devices in the state of Indiana;  
13 (5) impound, embargo, confiscate, or otherwise prevent from  
14 disposition any drugs, medicines, chemicals, poisons, or devices  
15 which by inspection are deemed unfit for use or would be  
16 dangerous to the health and welfare of the citizens of the state of  
17 Indiana; the board shall follow those embargo procedures found



C  
o  
p  
y

in IC 16-42-1-18 through IC 16-42-1-31, and persons may not refuse to permit or otherwise prevent members of the board or their representatives from entering such places and making such inspections;

(6) prescribe minimum standards with respect to physical characteristics of pharmacies, as may be necessary to the maintenance of professional surroundings and to the protection of the safety and welfare of the public;

(7) subject to IC 25-1-7, investigate complaints, subpoena witnesses, schedule and conduct hearings on behalf of the public interest on any matter under the jurisdiction of the board;

(8) prescribe the time, place, method, manner, scope, and subjects of licensing examinations which shall be given at least twice annually; and

(9) perform such other duties and functions and exercise such other powers as may be necessary to implement and enforce this chapter.

(b) The board shall adopt rules under IC 4-22-2 for the following:

(1) Establishing standards for the competent practice of pharmacy.

(2) Establishing the standards for a pharmacist to counsel individuals regarding the proper use of drugs.

**(3) Establishing standards and procedures under which a pharmacy may return expired legend drugs and controlled drugs to the wholesaler or manufacturer of the drug.**

(c) The board may grant or deny a temporary variance to a rule it has adopted if:

(1) the board has adopted rules which set forth the procedures and standards governing the grant or denial of a temporary variance; and

(2) the board sets forth in writing the reasons for a grant or denial of a temporary variance.

SECTION 2. IC 25-26-13-26.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 26.2. After July 1, 2006, a pharmacist may not dispense a legend drug or controlled drug unless the pharmacist has satisfactory evidence that the wholesaler or manufacturer of the drug has a procedure for the return of expired drugs that complies with rules adopted by the board under section 4(b)(3) of this chapter.**

C  
o  
p  
y

